



BRODSKY FOTIU-WOJTOWICZ

December 26, 2023

**VIA ECF**

Hon. Denise Cote  
United States District Judge, Southern District of New York  
500 Pearl Street  
Room 1910, Courtroom 18B  
New York, New York 10007

**RE: *Balance Payments, Inc. v. Thread Studio LLC*, Case No. 23-cv-6379**

Dear Judge Cote:

This law firm represents Plaintiff Balance Payments, Inc. ("Plaintiff"). By this letter, we request cancellation of the hearing scheduled by this Court on Plaintiff's request for default judgment, currently set for January 5, 2024 at 2:00 p.m. in Courtroom 18B, United States Courthouse, 500 Pearl Street, New York, New York 10007 (ECF No. 16).

Plaintiff filed its Amended Complaint against Defendant on December 8, 2023. (ECF No. 26). On December 21, 2023, this Honorable Court entered its Memo Endorsed Order (ECF No. 30) granting Plaintiff's Motion to Amend the Complaint. Plaintiff has not yet served the Defendant with the Amended Complaint.

Plaintiff therefore seeks cancellation of the hearing to allow it time to effectuate service of process, satisfy the requirements of Fla. Stat. § 48.161, and move for default against Defendant at a later date, if appropriate.

Sincerely yours,

  
Benjamin H. Brodsky

*The 1/5/24 hearing is adjourned to 3/15/24 at 2:30 pm. The plaintiff shall promptly serve the defendant.*

  
1/2/24